

Panaji, 9th October, 1975 (Asvina 17, 1897)

SERIES I No. 28

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Home Department (Transport and Accommodation)

Notification

HD(TA-Tpt)/5-23/74

Whereas certain draft rules further to amend the Goa, Daman and Diu Motor Vehicles Rules, 1965 were published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939), at page 179 of the Official Gazette, No. 15, Series I, dated 10-7-1975 under the Notification No. HD(TA-Tpt)/5-23/74 dated 2-7-1975 of the Home Department, Government of Goa, Daman and Diu, inviting objections and suggestions from all persons likely to be affected thereby till thirty days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 10th July, 1975;

And whereas no objections and suggestions have been received from the public on the said draft by the Government;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (2) of section 70 of the Motor Vehicles Act, 1939 (4 of 1939), as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Administrator of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Vehicles Rules, 1965, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Twenty Eighth Amendment) Rules, 1975.

(2) They shall come into force at once.

2. *Amendment of rule 5.21.*—In sub-rule (2) of rule 5.21 of the Goa, Daman and Diu Motor Vehicles Rules, 1965:—

(i) for the words “fifty per cent”, the words “sixty per cent” shall be substituted; and

(ii) for the word “verticle”, the word “vertical” shall be substituted.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary (Home).

Panaji, 29th September, 1975.

Labour and Information Department

Notification

1/292/75-LAB/1252

Whereas the Lt. Governor of Goa, Daman and Diu is satisfied that it is necessary in the public interest that the Industry engaged in the production, supply and distribution of petroleum and petroleum products should be declared as Public Utility Service for the purposes of Industrial Disputes Act, 1947 (No. 14 of 1947).

Now, therefore, in exercise of the powers conferred under sub-clause (vi) of Clause (n) of Section 2 of the said Act, the Lt. Governor of Goa, Daman and Diu hereby declares the industry engaged in the supply and distribution of petroleum products to be public utility service for the purposes of the said Act for a period of six months with effect from 1st October, 1975.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Labour).

Panaji, 30th September, 1975.

Law and Judiciary Department

Notification

LD/3816/75

The following Ordinance which was recently promulgated by the President of India is hereby published for general information of public.

M. S. Borkar, Under Secretary (Law).

Panaji, 30th September, 1975.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 9th September, 1975/Bhadra
18, 1897 (Saka)

THE INCOME-TAX (AMENDMENT)
ORDINANCE, 1975

No. 8 of 1975

Promulgated by the President in the Twenty-sixth
Year of the Republic of India.

An Ordinance further to amend the Income-tax
Act, 1961.

Whereas Parliament is not in session and the Pre-
sident is satisfied that circumstances exist which
render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred
by clause (1) of article 123 of the Constitution, the
President is pleased to promulgate the following
Ordinance:—

1. *Short title and commencement.*— (1) This Ordi-
nance may be called the Income-tax (Amendment)
Ordinance, 1975.

(2) It shall come into force at once.

2. *Act 43 of 1961 to be temporarily amended.*—
During the period of operation of this Ordinance, the
Income-tax Act, 1961 (hereinafter referred to as the
principal Act), shall have effect subject to the
amendment specified in section 3.

3. *Amendment of section 80G.*— In clause (a) of
sub-section (2) of section 80G of the principal Act,
after sub-clause (iii), the following sub-clause shall
be inserted namely:—

“(iii-a) the Prime Minister's National Relief
Fund; or”.

FAKHRUDDIN ALI AHMED
President.

K. K. SUNDARAM
Secy. to the Govt. of India.

Notification

LD/1463/75

The following notification received from the Go-
vernment of India, Ministry of Petroleum & Chemi-
cals, New Delhi, is hereby republished for general
information of the public.

M. S. Borkar, Under Secretary (Law).
Panaji, 4th October, 1975.

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF PETROLEUM & CHEMICALS

(Petroleum and Rasayan Mantralaya)

New Delhi, the 22nd May, 1975

Order

G. S. R. 743 — In exercise of the powers conferred
by Section 3 of the Essential Commodities Act, 1955
(10 of 1955), the Central Government hereby makes
the following Order to amend the Petroleum Products
(Supply and Distribution) Order, 1972, namely:—

1. (1) This Order may be called the Petroleum Pro-
ducts (Supply and Distribution) Amendment Order
1975.

(2) It shall come into force on the date of its
publication in the Official Gazette.

2. In the Petroleum Products (Supply and Distri-
bution) Order, 1972, in the First Schedule.

a) In Part I, against item 3, for the entry, the
following shall be substituted, namely:—

“Hindustan Petroleum Corporation Limited, a
company incorporated in India”;

b) In part II against item 5, for the entry, the
following shall be substituted, namely:—

“Hindustan Petroleum Corporation Limited,
a company incorporated in India”.

c) In Part III, against item 3, for the entry, the
following shall be substituted, namely:—

“The Hindustan Petroleum Corporation Li-
mited Refinery situated at Trombay, Bombay”.

Sd/-

M. N. GHOSH

Under Secretary to the Govt. of India.

(F. No. IS-11013/10/74-FSP)

Legislature Department

Notification

LA/B/1542/1975

In pursuance of Rule 22 of the Administrator's
Rules for the Goa, Daman and Diu Legislative
Assembly the following documents which were laid
on the Table of the Legislative Assembly of Goa,
Daman and Diu on the 3rd October, 1975 are dec-
lared to be published for general information.

1) Finance Accounts of the Government of the
Union Territory of Goa, Daman and Diu for the
year 1973-74.

2) Appropriation Accounts of the Government of the Union Territory of Goa, Daman and Diu for the year 1973-74.

3) Report of the Comptroller and Auditor General of India for the year 1973-74.

Secretariat,

Panaji, October 4, 1975.

M. M. NAIK

Secretary Legislature

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/7/1536/75

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 3rd October, 1975 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Administrative Tribunal
(Amendment) Bill, 1975

(Bill No. 11 of 1975)

A
BILL

to amend the Goa, Daman and Diu Administrative Tribunal Act, 1965.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu, in the Twenty-sixth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Goa, Daman and Diu Administrative Tribunal (Amendment) Act, 1975.

(2) It shall come into force at once.

2. **Amendment of section 7.**—In section 7 of the Goa, Daman and Diu Administrative Tribunal Act, 1965 (6 of 1965), after sub-section (1) the following shall be inserted, namely:—

“(1A) In any proceeding, other than an original proceeding, which is pending before it, the Tribunal may, if it thinks necessary, direct that such further investigation be made, or such additional evidence be taken; or may itself take such additional evidence; or may remand the case for disposal with such direction as it deems fit.”.

Statement of Objects and Reasons

During the implementation of the Goa, Daman and Diu Administrative Tribunal Act, 1965 (6 of 1965) it is found that there is no express provision in the Act for remand of the cases by the Administrative Tribunal to the lower court. The powers of remand are absolutely necessary. The present Bill seeks to insert a provision to enable the Administrative Tribunal to remand the cases to the lower court.

Financial Memorandum

This Bill involves no financial implications.

Panaji,

25th September, 1975

PRATAPSING RANE

Minister for Law

Assembly Hall,

Panaji,

26th September, 1975.

M. M. NAIK

Secretary to the Legislative
Assembly of Goa, Daman
and Diu.

(Annexure to Bill No. 11 of 1975)

The Goa, Daman and Diu Administrative Tribunal (Amendment) Bill, 1975

The Goa, Daman and Diu Administrative Tribunal Act, 1965

(Act No. 6 of 1965)

7. *Tribunal to have powers of civil court.*—(1) In exercising its jurisdiction, the Tribunal shall have all the powers of a civil court for—

- (i) taking evidence on oath, affirmation or affidavit;
- (ii) summoning and enforcing the attendance of witnesses;
- (iii) compelling the discovery and production of documents and material objects;
- (iv) requisitioning any public record or any copy thereof from any court or office;
- (v) issuing summons for examination of witnesses or production of documents; and
- (vi) such other purposes as may be prescribed.

(2) The Tribunal shall be deemed to be a civil court for all the purposes of section 195, 480 and 482 of the Code of Criminal Procedure, 1898, and its proceedings shall be deemed to be judicial proceedings within the meaning of section 193, 219 and 228 of the Indian Penal Code.

(3) In the case of any affidavit to be filed, any officer appointed by the Tribunal in this behalf may administer the oath to the deponent.

Assembly Hall,

Panaji,

26th September, 1975.

M. M. NAIK

Secretary to the Legislative
Assembly of Goa, Daman
and Diu

LA/B/7/1537/75

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 3rd October, 1975 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Mamlatdar's Court
(Amendment) Bill, 1975

(Bill No. 12 of 1975)

A
BILL

further to amend the Goa, Daman and Diu Mamlatdar's Court Act, 1966.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-sixth Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Goa, Daman and Diu Mamlatdar's Court (Amendment) Act, 1975.

(2) It shall come into force at once.

2. **Amendment of section 22.**— After sub-section (4) of section 22 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966 (9 of 1966), the following shall be inserted, namely:—

“(5) While taking proceedings under this section if the Collector, or any officer authorised under sub-section (3), is of the opinion that it is necessary to take such additional evidence he may remand the case for disposal with such direction as he deems fit.”.

Statement of Objects and Reasons

In the course of the implementation of the Goa, Daman and Diu Mamlatdar's Court Act, 1966 (9 of 1966), it has been found that there is no express provision for remand of cases by the revisional authority to the lower court. The powers of remand are generally enjoyed by all appellate courts and revisional courts. It has been found absolutely necessary that the Collector or any officer authorised to perform the functions of the Collector should have such powers under this Act. The amendment contemplates for inserting necessary provisions in the said Act to achieve the purpose.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
23rd September, 1975.

PRATAPSING RANE
Minister for Revenue

Assembly Hall,
Panaji,
26th September, 1975. Assembly of Goa, Daman and Diu

M. M. NAIK

Secretary to the Legislative

(Annexure to Bill No. 12 of 1975)

The Goa Daman and Diu Mamlatdar's Court (Amendment) Bill, 1975

The Goa, Daman and Diu Mamlatdar's Court Act, 1966
(Act No. 9 of 1966)

22. **Collector's power of revision.**— (1) Subject to the provisions of sub-section (2) every order passed by a Mamlatdar under this Act, shall be final.

(2) The Collector may, on his own motion or on an application made by an aggrieved party, or on a direction by Government call for and examine the record of any suit or proceeding under this Act, and if he considers that any proceeding, finding or order in such suit is illegal or improper, may, after due notice to the parties, pass such order thereon, not inconsistent with this Act, as he thinks fit:

Provided that no record shall be called for after the expiry of sixty days from the date of the order, unless an application

for that purpose, or a direction to that effect has been received by the Collector within the aforesaid period.

(3) Government may, by notification in the Official Gazette, authorise any officer not below the rank of a Deputy Collector to exercise all the powers of the Collector under this section.

(4) When the Collector, or any officer authorised under sub-section (3), takes any proceedings under this section he shall be deemed to be a court under this Act.

Assembly Hall,
Panaji,
26th September, 1975.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman
and Diu

LA/B/7/1538/75

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 3rd October, 1975 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Agricultural Tenancy (Amendment) Bill, 1975

(Bill No. 13 of 1975)

A BILL

further to amend the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-sixth Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Goa, Daman and Diu Agricultural Tenancy (Amendment) Act, 1975.

(2) It shall come into force at once.

2. **Insertion of new section 7A.**— After section 7 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (7 of 1964) (hereinafter called the 'principal Act'), the following shall be inserted, namely:—

“7A. **Question as to nature of land.**— If any question arises as to whether any land is or is not used for agricultural purposes the Mamlatdar shall, after holding an inquiry, decide such question.”.

3. **Amendment of section 51.**— In section 51 of the principal Act, after the word “may” and before the words “pass such other order”, the words “remand the case for disposal with such direction as deemed fit or” shall be inserted.

Statement of Objects and Reasons

In the course of implementation of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (7 of 1964), it has been found that there is no express provision for remand of the cases by the Appellate authority to the lower court. The powers of remand are generally enjoyed by all Appellate Courts and it has been found absolutely necessary that the Col-

lector should have such powers under this Act. Clause 3 of the Bill contemplates for inserting necessary provisions in the principal Act for enabling the Appellate Authority to remand the cases to the lower court.

There is also no specific provision as to who shall determine the question whether a land is an agricultural land or not. Clause 2 of the Bill contemplates for insertion of a new section so as to determine such questions.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji, PRATAPSENG RANE
23rd September, 1975. Minister for Revenue

Assembly Hall, M. M. NAIK
Panaji, Secretary to the
26th September, 1975. Legislative Assembly
of Goa, Daman and Diu

(Annexure to Bill No. 13 of 1975)

The Goa, Daman and Diu Agricultural Tenancy (Amendment) Bill, 1975

The Goa, Daman and Diu Agricultural Tenancy Act, 1964

(Act No. 7 of 1964)

51. *Extent of powers in appeal or revision.*—(1) The Collector or the Administrative Tribunal in appeal or in revision, may confirm, modify or rescind the order in appeal or revision or its execution or may pass such other order as may seem legal and just in accordance with the provisions of this Act.

(2) The orders passed in appeal or revision shall be executed in the manner provided for the execution of the orders of the Mamlatdar or the Tribunal under this Act.

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative Assembly
26th September, 1975. of Goa, Daman and Diu.

LA/B/7/1539/75

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 3rd October, 1975 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Excise Duty (Validation of Appointments and Proceedings) Bill, 1975

(Bill No. 14 of 1975)

A

BILL

to validate appointments of certain officers under the Goa, Daman and Diu Excise Duty Act, 1964, and to validate proceedings taken by such officers under the Act.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-sixth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Goa, Daman and Diu Excise Duty (Validation of Appointments and Proceedings) Act, 1975.

2. **Definition.**—In this Act,—

(1) “Administrator” means the Administrator of the Union territory of Goa, Daman and Diu appointed by the President under article 239 of the Constitution;

(2) “appointment” means appointment as—

- (a) Commissioner of Excise; or
- (b) Assistant Commissioner of Excise; or
- (c) Superintendent of Excise; or
- (d) Excise Officer; or
- (e) Excise Inspector; or
- (f) Sub-Inspector of Excise; or
- (g) Excise guard.

3. **Validation of certain appointments, levy of excise duty etc.**—Notwithstanding anything contained in any judgement, decree, or order of any court, tribunal or other authority,—

(a) no appointment of any person made or purporting to have been made under or for the purposes of the Goa, Daman and Diu Excise Duty Act, 1964 (hereinafter referred to as the principal Act), before the commencement of this Act, shall be deemed to be illegal or invalid, or ever to have been illegal or invalid, merely on the ground that such appointment was not made in accordance with the provisions of section 3 of the principal Act, or on the ground that such appointment was not made under that section, or on both those grounds; and

(b) no levy or collection of any duty, tax or fee, made or purporting to have been made under the principal Act, before the commencement of this Act, and no jurisdiction exercised, no order made, and no other act or proceeding or thing done or taken by, or before, a person referred to in clause (a) in relation to such levy or collection shall be deemed to be illegal or invalid, or ever to have been illegal or invalid merely on the ground that such jurisdiction was exercised or such order had been made or such other act or proceedings or thing had been done or taken by, or before, a person whose appointment was not made in accordance with or under the provisions of section 3 of the principal Act, and accordingly—

(i) all appointments made or purporting to have been made under or for the purposes of the principal Act, before the commencement of this Act, shall, for all purposes, be deemed to be, and to have been, made in accordance with law;

(ii) the jurisdiction exercised, orders made and all other acts, proceedings or things done or taken by the Government of Goa, Daman and

Diu or by the Administrator or by a person whose appointment had been made as aforesaid, or by any other officer of that Government or by any tribunal or other authority in connection with the said appointments or in connection with the levy or collection of duty, tax or fee under the principal Act, shall for all purposes, be deemed to be and to have been exercised, made, done or taken in accordance with law; and

(iii) no suit or other proceedings shall be maintained or continued in any court or before any tribunal or other authority whatsoever on the ground that any such appointment was illegal or invalid or any such jurisdiction, order or other act, proceeding or thing was not exercised, made, done or taken in accordance with law.

4. Repeal and saving. — (1) The Goa, Daman and Diu Excise Duty (Validation of Appointments and Proceedings) Ordinance, 1975 (1 of 1975) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance so repealed shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 28th June, 1975.

Statement of Objects and Reasons

Section 3 of the Goa, Daman and Diu Excise Duty Act, 1964, requires that for carrying out the purposes of the Act the Government may appoint a person to be Commissioner of Excise and such other persons to assist him as it thinks fit. However, the Commissioner and several Officers who were appointed for assisting him, were so appointed not under the said section 3 but under the Service Rules. The Goa, Daman and Diu Excise Duty (Validation of Appointments and Proceedings) Ordinance, 1975, was, therefore, promulgated by the Administrator of Goa, Daman and Diu to validate the appointments of the officers and the proceedings taken by such officers under the aforesaid Goa, Daman and Diu Excise Duty Act, 1964.

2. This Bill seeks to replace the said Ordinance.

Financial Memorandum

No Financial commitment is involved in the Bill.

Panaji,
5th September, 1975.

SHASHIKALA KAKODKAR
Chief Minister

Assembly Hall,
Panaji,
26th September, 1975.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman
and Diu.

LA/B/7/1540/75

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 3rd October, 1975 is hereby published for general information in pursuance of the provisions of

Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) (Amendment) Bill, 1975

(Bill No. 15 of 1975)

A BILL

further to amend the Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) Act, 1971.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-sixth Year of the Republic of India as follows: —

1. Short title and commencement. — (1) This Act may be called the Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) (Amendment) Act, 1975.

(2) It shall come into force at once.

2. Amendment of section 1. — In sub-section (4) of section 1 of the Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) Act, 1971 (hereinafter 12 of 1971. referred to as the principal Act, for the words "four years" the words "six years" shall be substituted.

3. Repeal and saving. — (1) The Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) Amendment Ordinance, 1975 (3 of 1975), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Statement of Objects and Reasons

The enforceability period of the Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) Act, 1971, was to expire on 2-10-1975. Considering that the Legislative Assembly of the Union territory of Goa, Daman and Diu was not in session and the Administrator was satisfied that the circumstances existed which rendered it necessary for him to take immediate action and consequent upon the instructions obtained from the President in pursuance of the first proviso to article 239B of the Constitution, the Administrator promulgated the Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) Amendment Ordinance, 1975, on 13-9-1975.

This Bill seeks to replace the above Ordinance.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji, PRATAPSING RANE
22nd September, 1975. Minister for Revenue

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative
26th September, 1975. Assembly of Goa, Daman
and Diu.

(Annexure to Bill No. 15 of 1975)

The Goa, Daman and Diu (Protection from Eviction of Mundcars,
Agricultural Labourers and Village Artisans) (Amendment) Bill, 1975

The Goa, Daman and Diu (Protection from Eviction of Mundcars,
Agricultural Labourers and Village Artisans) Act, 1971

(Act No. 12 of 1971)

1. *Short title, extent, commencement and duration.* — (1) This Act may be called the Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) Act, 1971.

(2) It extends to the whole of the District of Goa of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

(4) It shall remain in force for a period of four years and upon the expiry of this Act, the provisions of section 6 of the General Clauses Act, 1897, (Central Act 10 of 1897) as made applicable to the Union territory of Goa, Daman and Diu by section 2 of the Goa, Daman and Diu General Clauses Act, 1965 (7 of 1965) shall apply as if this Act had then been repealed by an Act of the Legislative Assembly of Goa, Daman and Diu.

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative
26th September, 1975. Assembly of Goa, Daman
and Diu.

LA/B/7/1541/75

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 3rd October, 1975 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Protection of Rights of Tenants
(Cashewnut and Arecanut Gardens)
(Amendment) Bill, 1975

(Bill No. 16 of 1975)

A
BILL

further to amend the Goa, Daman and Diu Protection
of Rights of Tenants (Cashewnut and Arecanut
Gardens) Act, 1971.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-sixth Year of the Republic of India as follows:

1. *Short title and commencement.* — (1) This Act may be called the Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) (Amendment) Act, 1975.

(2) It shall come into force at once.

2. *Amendment of section 1.* — In sub-section (4) of section 1 of the Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) Act, 1971 (11 of 1971) (hereinafter referred to as the "principal Act"), for the words "four years", the words "six years" shall be substituted.

3. *Insertion of new section 10.* — After section 9 of the principal Act, the following shall be inserted, namely: —

"10. *Exemptions.* — The provisions of this Act shall not apply to lands leased or held by the Government or lands vested in the Custodian under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (6 of 1964)."

4. *Repeal and saving.* — (1) The Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) Amendment Ordinance, 1975 (2 of 1975), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Statement of Objects and Reasons

The enforceability period of the Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) Act, 1971 was to expire on 2-10-1975. Considering that the Legislative Assembly of the Union territory of Goa, Daman and Diu was not in session and the Administrator was satisfied that the circumstances existed which rendered it necessary for him to take immediate action and consequent upon the instructions obtained from the President in pursuance of the first proviso to article 239B of the Constitution, the Administrator promulgated the Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) Amendment Ordinance, 1975 on 3-9-1975.

Clause 3 of the Bill contemplates insertion of new section 10 after section 9 of the principal Act. The need for the insertion of the new section 10 arises, because the said Act does not specifically contain any provision exempting, from the provisions of the Act, lands leased or held by the Government

or lands vested in the Custodian under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964.

The present Bill seeks to replace the above Ordinance and also to insert a new section exempting lands leased or held by the Government and lands vested in the said Custodian, from the purview of the Act.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
22nd September, 1975.

PRATAPSING RANE
Minister for Revenue

Assembly Hall,
Panaji,
26th September, 1975.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman and Diu

(Annexure to Bill No. 16 of 1975)

The Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) (Amendment) Bill, 1975

The Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) Act, 1971

(Act No. 11 of 1971)

1. *Short title, extent, commencement and duration.*— (1) This Act may be called the Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) Act, 1971.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

(4) It shall remain in force for a period of four years.

Assembly Hall,
Panaji,
26th September, 1975.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman and Diu